G. R. S. 59]

GPB—15.000—22-7-14

GENERAL AND REVENUE SECRETARIAT.

1899-00

(L B)

File No. 107

Serial Nos. 1–5

Papers Filed.

Month June 04

SUBJECT.

Petition from Kishnappa, Toll Contractor of Bhandipur, praying for a remission of Rs 220/- due by him to Govt.

PREVIOUS REFERENCES.	LATER REFERENCES.
	Communicated Indented S.C. Job

Office Note.

Office of the Government of H. H. the Maharaja of Mysore. General and Revenue Secretariat.

File No. (if any)

Directions

No., date and purport of receipts to be entered in red, and office note in black ink in order of dates.—To be written inside the line of margin.

Local Boards Branch.

Subject :—

Letter no. 337 dated the 22d December's from the President of the Distt Board, Mysore District, reporting on the petition of Krishnappa, contractor of the Bandipur Toll-gate for 1898-99

The right of collecting tolls at the Bandipur Toll-gate on the Gundlupet Taluk during the year 1898-99 was sold by public auction to the highest bidder Krishnappa for Rs 5227-8-0 Soon after the bale was made over to him he petitioned the President stating that owing to the outbreak of plague in Bangalore Mysore and other places the traffic had

Flag A

considerably decreased and that in consequence the monthly collections were very small, and prayed that either the collections might be examined and remission granted to the extent of the loss sustained or the rate amount might be reduced to that of the previous year viz Rs 2539-5-0.

2. The Amildar's report on the petitioner's allegations having been called for stated as follows :-

The amount of monthly which payable by the Contractor is Rs 435-10-0. The amount recoverable from him up to December 1899 is Rs 2613-12-0 on account of which he has paid only Rs 1293-10-0. For the

vide Amil's report No 162/1003 of 30th Jan'y 99
Hy B

balance he pleads inconvenience.

On enquiry it is found to pay monthly that the collections made by the Contractor from the 15th July 1898 to end of December were as given in Mr. Morgan and never came above the amount of which due to Govt. The petitioner says that owing to the establishment of Camps at Gundlupet & Chebbadevan the traffic has considerably fallen off and that he has to pay nearly Rs 130/- a month from his pocket to make up the which the amounts of bid for the 4 years are as follows:-

		Rs
1895-96	–	1710-10-0
1896-97	–	1816-14-0
1897-98	–	2539-6-0
1898-99	–	5227-8-0

The amount of bid for 1898-99 more than that of the previous

July	235-12-10
August	274-10-0
Sept.	238-7-0
October	192-10-11
November	148-15-8
December	230-11-10
	1321-4-3

year by Rs 2680-2-0; and it is a fact that owing to the outbreak of plague the traffic has fallen so low as to cause loss to petitioners. The petitioners prays that either the previous years' khists might be adopted or the actual collections made by him might be recovered from him. But, if the average of the collections for the first 6 months be taken into account, the total amount that might be recovered from him would come to Rs 3514-8-6 ie Rs 975- more than the realization for the previous year. As the circumstances represented by the petitioners are unforeseen, the prayer is submitted for

Average of 6 months = 220-3-4 × 12
For 12 months = 2642-8-0
Add amount deposited by petitioner = 872-0-0
Total = 3514-8-0
Amount realized during previous year = 2539-6-0
Excess = 975-2-0

As the Mamlatdar is about

had been based on the account
kept by the contractor the
President directed the issue
of printed receipts for every
collection made by the contractor
so that the counterfoils of such
receipts in the receipt-book
might show accurately the
amounts collected by him
4 This was done and the
Amelbar reported in June 1899
that only Rs 1169-9-0 were col-
lected in the month of April
1899.
5 The matter stood thus
when the President issued orders
to the Amelbar directing him
to take early steps for the
recovery of the heavy sums
outstanding against the Contractor

+ Flag C

and added that the question of revision, if any, should form the subject of a separate communication.

Ord. no. 69 27
145 Sikh 89 - Hyd

6. Steps were accordingly taken and as it was ascertained that the contractor had no immovable property his surety Naranappa was also proceeded against

7. The details of the amount due from the contractor are as follows:-

(vide Auditor's letter no. 245-B Chamarajendra Hydd Flags Dd F

Amount of bid including local cess =	5227-8-0
Amount paid up to end of May '99	1710-10-0
Amount deposited in the Savings Bank	975-2-8
Total	9692-12-8

Balance due from him = 2532-11-4.

Add — Interest = 780-6-10

Notice fees 0-4-0

Proclamation fee 1-0-0

Total = 3314-0-2

Deduct amount realized by sale of surety's property & kept in deposit } 1395-0-

Balance due from the Contractor } 1919-0-2

The amount realized by sale of the surety's property has been kept in deposit and the confirmation of the sale has been postponed pending the issue of final orders of Government

8 In this connection it is submitted that in his

case of Usman Lala, Contractor of the Mule Hole toll-gate for the same year, who had the same grievance as the present petitioner, the Govt were pleased to remit in his favour an amount equal to the difference between the average collection at the toll-bar during the previous five years and the amount of the bid for that year.

(vide G.P. No. 12313-21 P.F. 45-96 dt 12th May 1900)

Flag E in the file

9. The President has not explained the circumstances under which his request, which had been called for so far back as the 12th December 1899, was delayed till 1900, even [illegible]

Flags H & K in the file.

opinion on the merits of the
Case

10. The hon 2d Councillor's order
of the 8th December 1899 was as follows:

"Let us however ask the
Dy Commissioner his views — they
be sent for record
submitted for orders as to whether
Dmj 28/1/04 the Defence may be
asked to give his own opinion
in the matter —

FB Certainly
29/1/04 H
31/1/4

A-S-ch
Dmj 1/2/04
Ad. Dmj 2/2

The Dy Commissioner's
opinion was accordingly called
for

Flag L

12 Mr. Kanbaraj Iyer has
given his opinion that no interest
should be charged on the
amount of Rs 2532-11-4 still due
from the petitioners and that

Letter no. 653
D. 21st May '04

Rs 1137-11-4 plus the notice & pro
clamation fees amounting to Rs 1-4-
which will remain outstanding against
him after deducting the sum of
Rs 1395/- realized by sale of
survey properties has to be remitted.
as there is no means of recovering the same.

Submitted for orders with
draft sanctioning the
remission.

24/6/04

† Amount due = 2532-9-4
Add Notice & Proclamation fees } 1-4-
Total = 2533-13-4
Deduct amount recovered by sale of survey properties } 1395-
Balance = 1138-13-4

52 ~~57~~ L.745

MYSORE DEWAN'S OFFICE.

LOCAL BOARDS BRANCH

No 6701 R L867 dt 12-12-95

~~d 7453-96~~

45=96 L[illegible]

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition

Registered No. 893 dated ~~30~~ 23rd Oct 95

received at the Dewan's Office from one Krishnappa, late contractor of Bandipur Toll-bar complaining against the order of the Dy Comr no 597 dated 16th Sept 95 requiring him to pay the full amount of contract stipulated by him, and praying for a remission of Rs 22 due by him to Govt

is forwarded, together with its enclosure, to the Dy Comr of Mysore Distt for report

By order,

11-12

Secretary

ORE,

(1) Two Rs stamp affixed - stamp forfeit

(2) The Dy/omm's order was communicated to Petr Amildar's endt 15.10.99 in time

Transferred to the Local Boards Branch

15th Novr 1899 Dy Secretary

Submitted. May this be forwarded to the Dy Com for report

Dy 17/11/99

Please peruse the similar petn received from Shimoga on which orders were passed by the 2nd Commr

17.11.99

677

A.A. Dy 17/11/99

Resubmitted with Lr to 677 and draft Endt

Dy 18/11/99

Sd/- [illegible]

Sd/- [illegible]

Sd/- [illegible]

re Petr. urges that the
with the toll-gate contract-
of Bhandipur for the year
1898-99 & has deposited two
months' due, at Rs 435-10-0
per month; that as there
is no traffic in that road
on account of the existence
of the restriction due to
Plague in Mysore, Bangalore
& other parts, very small
amount was collected at
that gate; that the amount
already paid to Govt ex-
ceeds his income by Rs 95-15-9;
that his establishment costs
amount to Rs 480, which to-
gether with the interest on
the money deposited, Rs 210,
total Rs 785-15-9 is a complete
loss to the Petr; & that the
demand of Rs 2201-9-0 made
the Mg comm. is quite
just.

ys that the above sum
y be remitted & the Amildar
ted not to take any
rsive measures for the
very of the same, pending disposal.

The 2nd printed matter relates to the Local Boards &c Rr.

This is therefore sent to that Board for ~~the~~ final.

All
4.1.04

A.S.ch
Mg 4/1/04

Memo Pr Mg 26/1/04

(General Serial No. 30.)

118 L 436

19

MYSORE GOVERNMENT
30.12.03
Let 496
GENERAL & REVENUE SECRETARIAT

From B.K. Venkatavaradaiengar Esqre
Asst Commissioner of the
Mysore district

To H.H. Nanjundayya Esqre
M.A.M.L.
Secretary to the Govt of
Mysore

Dated the 22nd } December 190
Despatched }
Received }

General No. 337 } 190
No. }

Enclosures Number. 1 file. V. Papers

Submits the report on the petition of Krishnappa, Contractor, Bannur Toll gate

Pet
30.12.03

-12

Land Records Branch.

Deputy Commissioner's Office,
of the Mysore District.
Dated the 22nd December 1903.

From

S. K. Venkatarama Ayyar Esqre.
Deputy Commissioner of the
Mysore District.

To.

A. V. Narjundayya Esqre M.A., M.L.,
Secretary to the Government of
Mysore, in the General and
Revenue Departments.

Sir

With reference to the correspondence ending with your official Memorandum No. 2225 / 47. 45-46 dated the 6th December 1903 calling for a report on the petition of Krishnappa Contractor of the Bandipur Toll gate for the year 1898-1899, I have the honour to state as follows:—

The right of collecting tolls at the Bandipur toll gate in the Gundlupet Taluk during the year 1898-899 was sold by Public auction on the 23rd April 1898 and the highest bid was for Rs 5-5-27-8-0 including the Local cess made by the petitioner Ramasamudra Krishnappa. The sale was confirmed and the "Bond"

was made over to him from 1st July 189

2 On the 18th October 1898 the Con
tractor presented a petition to this offi
stating that owing to the outbreak of
plague in Bangalore, Mysore and other
places the traffic on the road had con-
siderably fallen off and that the
monthly collections were very small and
Consequently prayed that the Khist
amount might be recovered having
regard to the monthly realization of
the contract amount reduced to that
of the previous year. The petition was
referred to the Amildar for report. His
report showed that the prayer for re-
mission ~~may~~ might receive some considera-
tion As the accounts received with
the above report ~~are entirely~~ had been based on
those kept by the Contractor, and as it was
necessary to have correct statistics to
determine the extent of concession, if
any to which the petitioner ~~is~~ was entitled
the Amildar was asked to cause the
issue of printed receipts to those from
whom tolls were collected. In the
month of April 1899 the collections
amounted to Rs 149-9-10 as per Amil
-dar's report No: 232 dated the 9th June
1899

1947. Upon this an order was issued to the Amildar to recover the full amount due from the Contractor by distress of his movable and immovable properties. The appeal is against this order.

3. As regards the details of the amount due from the Contractor I beg to state that he owed Rs 5927-8-0 including cesspit he paid Rs 1718-10-0 in four instalments, that Rs 976-2-0 are held in the Savings bank deposit and that he has still to pay Rs 3314-0-2 including interest notice fee &c.

Actual amount	2532-11-4
Interest	780-0-0
Office fees	0-4-0
Proclamations	1-0-0
Total	3314-0-2

4. From the record it appears that the Contractor has no property either movable or immovable. The property belonging to his surety Ramaiah was attached and sold in public auction and the amount realized, viz Rs 395/-, has been held in deposit in the Taluk Treasury. Deducting this amount from that due from the Contractor the balance still outstanding against him is Rs 1919-0-2. The Amildar has sent the Sale records for confirmation of the Sale above referred to, but I have not issued any order pending

the

The receipt of final orders on
this appeal.

5. The Vernacular correspondence
is also herewith forwarded

I have the honor to be,
Sir
Your Most obedient Servant
W. Venkatarao
Deputy Commissioner
of the Mysore Distt

119

To

The President of
the Distt Board
Mysore Distt

His letter No 337 dated
the 22d december 03 re-
questing on the petition of
Venkataiah, contractor
of the Bandipur toll-gate
for the year 1898-99

In returning the
file of vernacular papers
received with the above,
has the honour to
request that the Presid
ent will be good enough
to resubmit the same
with his own opinion
on the matter. "By order

J.D.
4/2/04
for Secy
4/2

2867
L.J. 45-96 / 5/2/04

Miscl file of
V. Papers.

III draft 26/5

A. S. ch
Rg 26/5/04
Mr Condo 27/5
18/5

L 2628

190 -90

GOVERNMENT
26 MAY 1904
GENERAL SECRETARIAT

From

The Deputy Commissioner of
the Mysore District

To

The Secretary to the
Government of Mysore,
General and Revenue
Departments.

Dated
Despatched } 24th May 904
Received

Enclosures No. one file

General No. 653

B to 510 of 20/6/04
L 2745/96

Resubmitting the vernacular papers connected with the case of Krishnappa, Contractor, Bandipur Toll-gate for the Fa 98-99 with opinion

G&Rec
Please put up L 2745-96

L 2563
file subject to decision on 25/5.
25
27/5

No.

Enclosures No.

OFFICE OF THE DEPUTY COMMISSIONER.
& President of the District Board
MYSORE DISTRICT.

Dated Camp Melkote 21 May 1904

To

Srinivasamiah Esqr BA,
~~The~~ Secretary to the Government of Mysore,
General and Revenue Departments.

Sir,

With reference to your clerk's No. 2867 / A.J.45-97 of the 5th February 1904 and last reminder No. 2220 / A.J.45-97 of the 5th May 1904, calling for an expression of opinion on the petition of one Krishnappa, Contractor of the Bandipur toll gate for the year 1898-99, I have the honor to state that the facts connected with the case of the petitioner have been expressed in this office letter No. 337 of the 22nd December 1903, and I have now been required to submit my opinion on the point whether the petitioner is really entitled to any relief. From a perusal of the records, I find that the petitioner who had purchased the right of collecting tolls at the Bandipur toll gate during the year 1898-99 for Rs. 5227-80 began from [illegible] 1898 to function at the

decrease of traffic on the road and the consequent decrease of income owing to the out-break of plague, for the first time in the District, which the petitioner could not have anticipated at the time of sale in April 1898. In the case of the Contractor of the Punlé hole toll-gate situated in the same taluk, the Government were in their order No 12313-21 / 1745-96 of the 12th may 1900, pleased to remit a sum of Rs 303-8-0 on the same ground. I therefore consider that the petitioner is also entitled to some concession, as he seems to have suffered some loss.

2. The next point for consideration is to what extent the concepion may be shewn. The petitioner had purchased the right for Rs 5227-8-0. In the year 1897-98 i e. the year just preceding that in which the petitioner had taken the contract, the highest bid secured was for Rs 2539-6-0. In the years following also, the sale of the right of collecting fees at the toll-gate in question has never reached that figure.

de owing to some very keen competition,
it must be said, that the amount for 1898 99
was more than double the amount for
1897-98. To add to this, there was a perceptable
fall in the traffic also owing to the out-break
of plague. The petitioner has up to date
paid Rs 2,694-12-8 towards the liquidation
of the sum of Rs 5227-8 -. The balance due
by him is Rs 2532-11-4. If the notice and
re-reclamation fees be added to the above sum,
it will be Rs 2533-15-4. I am not in favor
of charging interest on the above sum at
one pie per rupee per month till the date of
payment as laid down in para 5 of the rule
Notification of 24th February 1898, as the
petitioner was from the beginning complaining
of his inability to pay the khish amount.
The present sale of the properties of the peti-
tioner's survey, the petitioner having been
reported to have none, has brought in an
amount of Rs 1,395/. The balance to be
recovered will be Rs 1,138-15 4. But as the
Collector reports that there is no other way

No 5703-4-D/30/6/04
Ly 45 96

Flag k

Read -

Petition Regd no 893 dated the 23rd October 1899 from Krishnabba toll contractor of the Bandipur Toll-gate praying for a remission of Rs 2204 due by him to Government on the ground that he sustained loss during the period of his contract owing to the prevalence of plague in Mysore, Bangalore and other parts of the Province and the course grain fall in trade

2) Correspondence ending with letter no 653 dated the 2nd May 1904 from the President of the Distt. Board of Mysore Distt stating that a sum of Rs 2532-11-4 is

while due from the Petitioner
of which Rs 1395/- have
been recovered by sale
of the properties belonging
to the surety, that
no interest does be
charged on the amount
due and that the
balance of Rs 1137-11-4
together with the notice
and proclamation fees
amounting to Rs 1-4-0 on
in all Rs 1138-15-4 on attaining
which still remains a payable
the Petitioner has to be
remitted as there are no
means of recovering the
same

Rs. a. p

Amount due = 2532-11-4

Notice & proclamation fees } = 1-4-0

Total 2533-15-4

Deduct amount realized by sale of suretys pro-perties - - } 1395-0-0

Balance due = 1138-15-4

Order thereon

As recommended
by the President the
sum of Rs 1138-15-4
which

which remains outstand
ing against the Petitione
after deducting the sum
of Rs 13957- realized
by the sale of the twenty
properties, ~~[illegible]~~
~~[illegible]~~ will be written off the accounts
the same being irrecoverable

27/6/[illegible] Offg Secy

Offg 25/

-25/6/[illegible]

To,

The Presdt Distt : Bd
Mysore Distt. returned
the Vernacular Cor
respondence.
a Comptroller